

Sustainable Living Research Ordinance

DRAFT Version 1.12

WHEREAS, conventional debate between non-sustainable development and natural resources conservation has omitted a third option of sustainable human settlement that supports the health of the natural resources it depends on;

WHEREAS, the rapid depletion of natural resources coupled with a growing global human population imply an imperative to commence broad-scale research into human settlements living in mutual benefit with natural systems;

WHEREAS, residential and commercial development pressures have decreased the number of small farms, and made it more difficult for small farmers to operate financially;

WHEREAS, (re)emerging fields of research such as permaculture, natural building, and biodynamic farming, have demonstrated proven techniques for sustainable human settlements that improve the health of the natural resources on which they depend, while retaining local wealth;

WHEREAS, students and faculty in established universities, colleges, and research institutions, wishing to design, test, and document technologies and techniques for sustainable living, require living, real-world experiments upon which to base their work;

WHEREAS, sustainable human settlements require a fundamentally different approach in their design, permitting, construction, and operation that necessitate flexibility in codes and regulatory processes to support their development;

WHEREAS, sustainable human settlements would be a source of material support and learning for the surrounding community;

THEREFORE, this ordinance establishes a process for permitting and monitoring sustainable living research projects where there is existing support for the project by the surrounding community, the relevant regulatory agency(s), and a local research or educational institution.

GOAL

The goal of this ordinance is to support the development of sustainable living research sites by allowing flexibility in code requirements that might otherwise prevent or discourage such projects from moving forward. This ordinance is a tool to be used at the discretion of planning commissions and government staff to permit projects that meet the requirements of the ordinance.

DESIGNATION OF PROJECTS AS RESEARCH

Elements of projects permitted by this ordinance that depart from prevailing codes shall be designated as research, as defined by a joint proposal by the project applicant and an established research or educational institution to study, document, and regularly report to the relevant regulatory agency on the performance of the research elements. Given that the timeline of some research projects may exceed the period of academic cycles, it shall be the responsibility of the project applicant to coordinate and support continuity of the research.

COMMUNITY SUPPORT OF PROJECTS

Projects permitted by this ordinance should be supported by the surrounding and/or affected community on an ongoing basis. The initial project hearing to witness public input shall be as per the existing local standard for all new development projects. In addition, public hearings (potentially at the project site) must continue for as long as the project contains research elements supported by this ordinance. *The frequency of these public hearings shall be determined by the Planning Commission.* The purpose of these ongoing hearings is to integrate community feedback into the evaluation of project performance (see PROJECT COMPLIANCE IS PERFORMANCE-BASED section for details). All hearing(s) shall be publicized and conducted in a manner that ensures standard reasonable opportunity for public participation.

TOWARDS SUSTAINABLE HUMAN SETTLEMENTS

Projects permitted under this ordinance must propose distinct improvements over conventional development options in terms of sustainability. “Sustainability” for the purpose of this ordinance, means that the quality of natural resources affected by the project both on- and off-site (water quality and quantity, soil fertility, plant and animal biodiversity, etc.) should be maintained at high levels or increase over time (allowing for environmental/weather effects uncontrollable by the project) and environmental/climate effects that are controlled by the project in terms of liquid and gaseous emissions to the global environment must be a component of the project design. In addition, the project must be socially and economically sustainable, defined as a high quality of life for project participants, and the ability of project to fund itself. The spirit of this ordinance is not to define how a project should look, but rather to rely on the creativity of the project designers, together with the requirements for community support and research-validated performance improvements, to generate leading-edge experiments in sustainable living.

PUBLIC ACCESS

Projects permitted by this ordinance shall allow public access, for educational purposes, related to the research-designated elements of the project.

ZONING RESTRICTIONS

No project permitted under this ordinance shall cause or constitute a change in land-use zoning where the project is to be developed, however, innovative performance-based approaches to achieving the underlying intent of the zoning are encouraged and supported by this ordinance (see PROJECT COMPLIANCE IS PERFORMANCE-BASED section for details).

LOCAL AUTHORITY

In cases where allowances for a proposed project are not provided in the prevailing code(s), this ordinance requires the Official(s) of the relevant regulatory agency(s) (*or an assignee/surrogate of the Official*) to exercise judgment, in cooperation with the project applicant, in determining materials, methods and structural integrity of construction that ensure a reasonable degree of health and safety.

Note: Local authority granted by this ordinance has precedent in CA state law for special circumstances, such as: *Regulations for Limited Density Owner-Built Rural Dwellings (CCR Title 25, Article 8)*; *California Historical Building Code (CCR Title 24, Part 8)*; *California Existing Building Code (CCR Title 24, Part 10)*; *Voluntary Alternative Regulations for Joint Living and Work Quarters (CA H&S Code § 17958.11)*; etc.

FUTURE EXEMPTIONS

The restrictions and conditions of this ordinance apply to approved projects indefinitely, and are not subject to changes in land or project ownership.

PROJECT COMPLIANCE IS PERFORMANCE-BASED

Whereas prevailing codes are often prescriptive and hence prevent or discourage non-standard development approaches, evaluation of projects under this ordinance shall be based on the anticipated performance of the project relative to the intended public benefit of existing building, zoning, and health codes. Projects departing from prevailing codes shall then be evaluated as above-specified research projects to determine the actual performance of the research elements. Following a reasonable evaluation period (on a timescale matched to the project's likely effect on the environment) project research elements that do not perform as per the stated intent must either be redesigned for ongoing evaluation, or removed and/or replaced with standard code-approved elements. Accordingly, project proposals must include the option for safe, ecologically sound deconstruction of research elements. Departures from prevailing codes include, but are not limited to:

- Alternative building materials
- Cluster development
- Onsite water systems
- Stormwater management
- Onsite food and goods production
- Use provisions
- Residential density limits
- (Non)connection to public sewer and water
- Parking requirements and access
- Onsite sales of goods produced onsite

PERFORMANCE OUTCOMES LEADING TO NEW CODES

Elements of a project approved by this ordinance that depart from prevailing codes must remain subject to the research study, documentation, and reporting requirement until and unless the pertinent prevailing code(s) change to directly support the element(s), although reporting frequency may decrease at the discretion of the relevant regulatory agency once positive project performance has been established. All project reporting shall be posted and available to the public.

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